

December 10, 1970

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from 68.34 to 79.79 acres. An additional amendment proposed by the Department was also adopted by the House committee requiring the Rackett to make application for the land and to pay its appraised value within 1 year after modification.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee recommends that the bill be enacted.

COST

Enactment of the bill will not involve expenditures of Federal funds.

AMENDMENT OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

The bill (S. 4571) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is amended by striking subsection (3) and inserting the following in lieu thereof:

"(3) 'Child', for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild."

SEC. 2. Section 221(e) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes a student as comes a student as described in section 204 (b) (3), provided the lump-sum credit, if

paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs."

SEC. 3. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the last two sentences of paragraph (f), and adding the following new paragraphs (i), (j), and (k):

"(i) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service, or on the day after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

"(j) An annuity payable from the fund on or after date of enactment of this provision shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

"(k) The annuity computed under this section is reduced by 10 per centum of a special contribution described by section 252(b) remaining unpaid for civilian service for which retirement deductions have not been made, unless the participant elects to eliminate the service involved for the purpose of annuity computation."

SEC. 4. Section 236 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the words "nor a total of four hundred" and substituting the words "nor a total of eight hundred".

SEC. 5. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting paragraph (c) (1); renumbering paragraphs (c) (2) and (c) (3) to read (c) (3) and (c) (4); and inserting the following new paragraphs (c) (1) and (c) (2):

"(c) (1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(c) (2) If a participant in the system becomes an employee under another Government retirement system by direct transfer of Government's contributions (including interest accrued thereon computed at the rate

of 3 per centum a year compounded annually) to the fund on his behalf shall be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund of such other retirement system effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system."

SEC. 6. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by adding the following new paragraph (g):

"(g) For the purpose of survivor annuity, special contributions authorized by paragraph (b) of this section may also be made by the survivor of a participant."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1419), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The bill makes certain changes in the CIA Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. The bill also makes two other changes.

The conforming amendments deal with definitions relating to child survivors, commencement date for annuities and a formula for crediting prior Federal service not covered by contribution. The remaining two changes provide for transfer of employer contributions into and out of the CIA retirement fund and increase the ceiling on retirements.

BACKGROUND

The CIA Retirement Act was enacted to provide a comprehensive retirement and disability program for a limited number of employees whose duties either were in support of Agency activities abroad, hazardous to life or health, or so specialized as to be clearly distinguishable from normal Government employment.

The Central Intelligence Agency operates under two retirement systems—the regular civil service retirement system for the majority of its employees and the one established under the CIA Retirement Act for a smaller number. The primary purpose of the latter system is to sustain a shorter career base for service where the conditions of employment are substantially different from those associated with normal Government employment. Key provisions of the CIA Retirement Act include a straight 2-percent factor in the computation formula and retirement eligibility at age 50 after 20 years of service, both modeled after civil service provision for certain personnel involved in law enforcement activities (5 U.S.C. 8336(c)). Other provisions of the CIA Retirement Act are, for the most part, also patterned after those of the civil service requirement system.

As the principal features of the CIA and the civil service systems are the same, failure to keep pace with civil service improvements tends to dilute the effectiveness of the CIA retirement system, especially where comparability once existed.

Public Law 90-539 (bringing the cost-of-living provision of the CIA Retirement Act back into consonance with the civil service cost-of-living provision of the Civil Service Retirement Act) and Public Law 91-185 (incorporating the benefits of the McGee-Daniels bill) serve as precedent for the ap-

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proval of conforming amendments for the CIA Retirement Act as proposed in this report.

AMENDMENT OF THE FOREIGN SERVICE BUILDING ACT TO AUTHORIZE ADDITIONAL APPROPRIATIONS

The bill (H.R. 18012) to amend the Foreign Service Building Act, 1929, to authorize additional appropriations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1420), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill authorizes the appropriation of \$15 million and \$15,900,000 for fiscal years 1972 and 1973, respectively, for the operation and maintenance of Foreign Service buildings. The comparable figures for fiscal years 1970 and 1971 were \$13,500,000 and \$14,300,000, respectively.

BACKGROUND

The Foreign Service buildings program was launched in 1928 and over the years properties, including long-term leases, have been accumulated at a cost of approximately \$280 million but estimated to be worth twice that amount at the present.

The Foreign Service Buildings fund is divided into two accounts: (1) the capital account which finances construction, acquisi-

tion, and long-term leases of buildings; and (2) the operations account which provides funds for improvements to existing properties, recurring lease-hold payments, the maintenance, repair, and operation of buildings, furniture and furnishings and equipment for buildings, supervision of construction and administration.

The capital account does not require replenishment at this time, there being an unutilized balance of \$31,380,000 authorized for this purpose by Public Laws 88-94 and 89-636. In addition, proceeds from sales of Foreign Service Buildings surplus properties and foreign currencies (subject to appropriation) are available.

For the information of the Senate, however, the Department of State submitted its justifications for those new capital projects with which it plans to proceed under current authority. A summary of these proposals follows:

DEPARTMENT OF STATE, FOREIGN BUILDINGS OPERATIONS

General statement

The accompanying summary and project justifications will identify new capital projects that are now urgently required. These requirements have not previously been presented for the committee's review. Favorable consideration of these projects will not require additional legislative authority for the appropriation of funds. Their costs will be covered by the existing balance of funds to be appropriated within the authority granted under Public Law 88-94 and Public Law 89-636.

The operations account, on the other hand, is authorized only through the current fiscal year. On May 15, 1970, the Senate received the following letter from the Assistant Secretary of State, for Congressional Relations:

ADDITIONAL PROJECTS TO BE INCLUDED WITHIN PRESENT AUTHORIZATION—ACQUISITION, DEVELOPMENT, AND CONSTRUCTION PROGRAM

(In thousands of dollars)

Country and post	Project	Total program	Unimproved land	Improved property	Development	Construction
Area AF:						
Central African Republic, Bangui.....	OB	100	80		20	
Kenya, Nairobi.....	OB	2,000				2,000
Morocco, Casablanca.....	OB	45			45	
Tunisia, Tunis.....	ER	30			30	
Subtotal, AF.....		2,175	80		95	2,000
Area ARA:						
Argentina, Buenos Aires.....	OB	3,800				3,800
Brazil, Brasilia.....	DCMR	180				180
Do.....	SOR-6	360		360		
Do.....	SA-20	500		500		
Do.....	SH-3	105		105		
Subtotal, Brazil.....		1,145		965		180
Venezuela, Caracas.....	OBX	738		738		
Subtotal, ARA.....		5,683		1,703		3,980
Area EA: Korea, Seoul.....						
Area EUR:		150			150	
Canada, Montreal.....	OB	60			60	
Germany, Bonn.....	OB	265			265	
Hungary, Budapest.....	ER	295			20	275
Portugal, Lisbon.....	OB	115			115	
Subtotal, EUR.....		735			460	275
Area NEA: Saudi Arabia, Jidda.....	OBX	275			25	250
Grand total.....		9,018	80	1,703	730	6,505

1 Explanation of project symbols: OB—Office building; ER—Embassy residence; DCMR—Deputy chief of mission residence; SOR—Senior officer residence; SA—Staff apartments; SH—Staff housing; OBX—Office building extension.

MAY 13, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of State encloses, and recommends for your consideration, proposed legislation to amend the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-301) to provide continuing authorization for the operation expenses of the buildings program after fiscal year 1971.

The Foreign Service Buildings Act was last amended by Public Law 90-442, enacted July 30, 1968. That act authorized appropriations not to exceed \$13,500,000 in fiscal year 1970 and \$14,300,000 in fiscal year 1971 for the regular operating expenses of the buildings program.

Under the Foreign Service Buildings Act, the Department of State has acquired office buildings, support facilities, residences and staff housing having an estimated value of about twice their total cost of \$279,500,000. This legislative request seeks continuing authority, after fiscal year 1971, to seek appropriations in the amounts necessary to operate, maintain and administer these properties. These costs include minor improvements to existing properties, recurring payments on long-term leases of buildings, the maintenance, operation and repair of buildings, initial and replacement furnishings for new acquisitions and existing properties the costs of supervision of construction projects, and the administration of the program.

During the hearings, the Department also will present for committee review some new capital projects, in addition to projects approved by the committees in hearings on Public Law 88-94 of August 12, 1963, and 89-636 of October 10, 1966. Ample appropriation authority remains under these bills, but new projects of higher priority have arisen since 1968 and the Department desires to advise the interested committees about these projects. Legislation is not required for this aspect of the hearings.

The Department of State has been informed by the Bureau of the Budget that there is no objection to this proposal from the standpoint of the administration's program.

A letter similar in content is being sent to the Speaker of the House.

Sincerely,

DAVID B. ABSHIRE,
Assistant Secretary for Congressional
Relations.

It is to be noted that the administration requested an open-ended authorization for the operations of the Foreign Service buildings program which would have been a return to the pre-fiscal year 1964 situation.

COMMITTEE ACTION AND RECOMMENDATION

In lieu of the open-ended authorization, H.R. 18012, as introduced in the House and passed by it, contains a 2-year authorization for fiscal years 1972 and 1973 for \$15 million and \$15,900,000 respectively. At an executive hearing on October 7, 1970, the principal State Department witnesses, Earnest J. Warlow and O. C. Ralston, Director and Deputy Director of the Office of Foreign Buildings, testified in support of H.R. 18012 as it had the House. The amounts recommended are based on the Department's own estimate of needs as shown in the following table:

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